

REMARKS

Claims 1, 12, and 21, and 28 have been amended, and Claims 45 and 46 have been added. Claims 1, 3-15, 21-23, 28-42, 45, and 46 are now pending in this application. The claim amendments are supported by, for example, Figure 1, paragraphs [0054], [0058], [0061]-[0063], [0084], [0099], and [0139], of the publication of the present application. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

Discussion of Rejection of Claims under 35 U.S.C. § 102(e)

Independent Claims 1, 21, and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Walton (US 2002/0154705). Independent Claims 1, 21, and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Vandenameele (US 6,937,665). In response, independent Claims 1, 21, and 28 have been amended.

Rationale of 35 U.S.C. §102

“For a prior art reference to anticipate a claim under 35 U.S.C. §102, every element of the claimed invention must be identically shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 850 F.ed 675, 677, 7 USPQ 2d 1315, 1317 (Fed. Cir. 1988)

Discussion of Patentability of Pending Claims

Walton

Walton neither discloses nor suggests “determining combined data signals in the at least one transmitting terminal, said combined data signals being transformed versions of said streams of data sub-signals, said determining comprising filtering said streams of data sub-signals with a filter so designed that at least one spatial diversity device of the receiving user terminals only receives data sub-signals being specific for the corresponding receiving user terminal and having interference between at least two streams of the plurality of streams of sub-user data sub-signals” as recited in amended Claim 1.

Walton relates to a communication system that can concurrently support a number of transmissions of various types (e.g., control, voice, broadcast, data, and so on) that may have disparate requirements. Figures 3 and 6 of Walton describes a communication system in which a

transmitter with multiple antennas communicates with a receiver with multiple antennas. Though paragraph [0035] of Walton states that the transmitter may communicate with a number of receiver units, no further detail is given as to such communication.

In rejecting Claim 1, the Examiner relied on the beam steering concept mentioned in paragraphs [0037] and [0075] of Walton to teach a feature of Claim 1, i.e., “at least one spatial diversity device of the receiving user terminals only receives data sub-signals being specific for the corresponding receiving user terminal and having interference between at least two streams of the plurality of streams of sub-user data sub-signals.” Amended Claim 1 recites “determining combined data signals in the at least one transmitting terminal, said combined data signals being transformed versions of said streams of data sub-signals, said determining comprising filtering said streams of data sub-signals with a filter so designed that at least one spatial diversity device of the receiving user terminals only receives data sub-signals being specific for the corresponding receiving user terminal and having interference between at least two streams of the plurality of streams of sub-user data sub-signals.” Walton does not teach this feature and the Examiner admitted such in the Office Action.

Therefore, Applicant respectfully submits that Claim 1 is not anticipated by Walton. Further, none of the applied prior art cures this deficiency. For example, Walton ‘040 (US 2003/0125040) does not teach or suggest this feature. In rejecting previous Claim 12, the Examiner relied on paragraph [0091] of Walton ‘040 to teach a filter at the transmitter. The cited paragraph [0091] of Walton ‘040 teaches that, if the channel characterization is available at both the transmitter and receiver, pre-filtering and post-filtering may be used at the transmitter and receiver side respectively to derive the modulation symbols. However, the pre-filtering in Walton ‘040 is different from Applicant’s claimed filtering. Particularly, Walton ‘040 does not teach at least the above-noted feature of Claim 1.

Therefore, Applicant respectfully submits that Claim 1 is allowable over the applied prior art and requests withdrawal of the rejection.

Vandenameele

Vandenameele neither discloses nor suggests “determining combined data signals in the at least one transmitting terminal, said combined data signals being transformed versions of said

streams of data sub-signals, said determining comprising filtering said streams of data sub-signals with a filter so designed that at least one spatial diversity device of the receiving user terminals only receives data sub-signals being specific for the corresponding receiving user terminal and having interference between at least two streams of the plurality of streams of sub-user data sub-signals” as recited in amended Claim 1.

Vandenameele does not teach or suggest this feature. In rejecting Claim 1, the Examiner relied on Figure 2 and col. 9, lines 25-45 of Vandenameele. However, the text as cited by the Examiner merely teaches determining combined data signals in a transmitting terminal, wherein the combined data signals are transformed versions of the data signals. Vandenameele does not teach at least the above-noted feature of Claim 1. If the Examiner wishes to sustain the rejection of Claim 1 based on the same reference, the Examiner is requested to “clearly articulate any rejection early in the prosecution process so the applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity.” See M.P.E.P. § 706. More particularly, the Examiner is requested to provide Applicant with specific citations to Vandenameele and to explain where and how the reference teaches this feature.

Therefore, Applicant respectfully submits that Claim 1 is not anticipated by Vandenameele. Further, none of the applied prior art cures this deficiency. Withdrawal of the rejection is respectfully requested.

Each of amended Claims 21 and 28 recites a similar feature as discussed above with regard to Claim 1. Applicant respectfully submits that, for the same reason stated above, these claims are allowable over the applied prior art. Withdrawal of the rejection is respectfully requested.

Dependent Claims

Claims 1, 3-15, 21-23, 28-42, 45, and 46 are now pending in this application. Claims 2, 3-15, 22, 23, 29-42, 45, and 46 are dependent either directly or indirectly on the above-discussed independent Claims 1, 21, and 28. Although not separately argued, Applicant does not necessarily agree with the rejections or characterizations of the prior art made by the Examiner. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own

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patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of Applicant's remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Knobbe, Martens, Olson & Bear, LLP

Dated: _____

4/29/10

By: _____



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